



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,277	03/28/2001	Jerry A. Waldorf	SOFTECP.033A	1700

7590 01/17/2007
Mark D Kirkland
Fish & Richardson P.C.
500 Arguello Street
Suite 500
Redwood City, CA 94053

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
----------	--------------

3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of Non-Responsive Reply

1. The reply filed on October 10, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has elected Species I; however, Applicant cancelled all of the originally pending claims that read on Species I and added new claims 52-95. Claims 52-95 do not address Species I. Species I has been defined as a combination of Embodiments A + B + E (as set forth in the restriction requirement mailed March 21, 2006); however, new claims 52-95 do not comprise limitations direction toward Embodiments A and E. While some of the new claims recite aspects of Embodiment B, most of the subject matter in new claims 52-95 incorporates Embodiment C. Therefore, newly submitted claims 52-95 are deemed to be directed to an invention that is independent or distinct from the invention originally claimed and elected. Accordingly, claims 52-95 are withdrawn from consideration as being directed to a non-elected invention, thereby leaving no claims within the scope of the elected subject matter to examine. See 37 CFR 1.142(b) and MPEP § 821.03.


Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 3694

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susanna M. Diaz
Primary Examiner
Art Unit 3694

January 8, 2007